IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 4765 of 1995

Between:

Pulle Yerranna S/o. Chinna Seshanna,
r/o. Tholasapuram(v), Kurnool (M),
Kurnool Dist.

..... PETITIONER

AND

1 Dist. Collector, Kurnool.
2 Project Officer D.R.D.A. Kurnool.
3 Executive Engineer, L&CAD (Minor Irrigation Works Division)
Kurnool West, Kurnool.
4 Revenue Divisional Officer (L.A.O), Kurnool.
5 Commissioner of Rural Development, Govt. of AP,
Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or direction declaring the action of the respondents in not paying the compensation for the lands acquired for the purpose of formation of new tank across Edulavanka Kurnool Mandal, Kurnool Dist., as illegal, arbitrary and violative of Art.300-A of the Constitution of India and consequently direct the respondent to pay compensation at the prevailing market value as on today to the petitioners and others and pass

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following :

***ORAL ORDER*:**

The case of the petitioner is that 3rd respondent herein acquired land to an extent of Ac.103.18 situated in Tholisapuram, Ulghala, Eduguru, R.Konthalapadu and Ulchala villages in March 1982 and another land to an extent of Ac.5.00 for excavating canals and also for formation of a new tank across Edulavanka near Tholisapuram under DPAP Project. The respondents paid compensation for an extent of Ac.38.42 under Award no. 4/85 dated 24.5.1985 and again under another award 2/94 dated 15.2.1994 in respect of the lands in S.No. 248/2. But in respect of the remaining lands acquired for the said purpose, the respondents have not paid any compensation. But on enquiry, they were informed that compensation would be paid later and the 2nd respondent also addressed a letter to the 5th respondent for release of compensation, but no compensation has been paid to them. Hence the present petition to direct the respondents to pay the compensation for the lands acquired for the purpose of formation of new tank across Edulavanka Kurnool Mandal and District.

Heard the learned counsel for both the parties. Perused the material placed before me.

Learned counsel for the petitioner submits that the respondents have paid compensation to some of the landowners, but they have not paid any compensation to the present petitioner as well as others whose lands were acquired for the purpose of excavation.

However, except pleading simply that he is the owner of the land in

question, the petitioner has not filed any piece of paper to show that he is the owner of the land, which was acquired for the said purpose. Therefore, the question of ownership is involved in the present writ petition, which cannot be gone into by this Court under Art 226 of the Constitution of India. However, it has to be observed that the alleged acquisition was made in the year 1982. But the petitioner chose to file the present writ petition in the year 1995 i.e. after long lapse of 13 years. If the petitioner is the owner of the land, as contended, what prevented him to approach the competent authority for the relief, which he sought in the present petition, for all these years. It itself reflects the latches on the part of the petitioner to approach this Court after such an abnormal delay. The petitioner also could not satisfy this Court on that aspect. Therefore, the writ petition is liable to be dismissed on this ground alone.

Accordingly, the writ petition is dismissed, with leave and liberty being granted to the petitioner to approach the appropriate authorities for the relief, which he sought in the present writ petition. No costs.

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kvsn 03-02-2005

To

1 The Dist. Collector, Kurnool.
2 Project Officer D.R.D.A. Kurnool.
3 Executive Engineer, L&CAD (Minor Irrigation Works Division)
Kurnool West, Kurnool.
4 Revenue Divisional Officer (L.A.O), Kurnool.
5 Commissioner of Rural Development, Govt. of AP,
Secretariat, Hyderabad.

6 Two copies for GP for Land Acquisition, High Court buildings, Hyderabad.

7 Two CD copies.